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Attorneys for Defendant
ASSURANT, INC. and AMERICAN SECURITY INSURANCE CO.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

PATRICK URSOMANO, GIOVANNI
CANONICO and URSULA CANONICO,
individually and on behalf of all others
similarly situated,

Plaintiffs,

v.

WELLS FARGO BANK, N.A., WELLS
FARGO INSURANCE, INC., ASSURANT,
INC., and AMERICAN SECURITY
INSURANCE COMPANY,

Defendants.

Case No. 3:13-cv-04381-EMC

**STIPULATION AND PROPOSED ORDER
TO MODIFY BRIEFING SCHEDULE;
DECLARATION OF PETER S. HECKER
IN SUPPORT OF SAME**

STIPULATION TO MODIFY BRIEFING SCHEDULE

Pursuant to Civil L.R. 7-12, 6-1(b) and 6-2, it is hereby stipulated by and between the parties, through their respective attorneys, that:

WHEREAS, defendants Assurant, Inc. and American Security Insurance Co. (collectively "ASIC") on December 2, 2013 filed a motion to dismiss the First Amended Complaint (the "motion") of plaintiffs Patrick Ursomano, Giovanni Canonico and Ursula Canonico (collectively "plaintiffs");

WHEREAS, the hearing date on the motion was set for January 23, 2014;

WHEREAS, on December 4, 2013, the Court issued a text order [Dkt. No. 26] resetting the hearing date on the motion from January 23, 2014 to February 6, 2014.

WHEREAS, under the Local Rules, plaintiffs' opposition to the motion is currently due on December 16, 2013, and ASIC's reply is due December 23, 2013;

WHEREAS, to accommodate the upcoming holidays and to permit sufficient time to adequately brief the matter, ASIC proposed a modified briefing schedule such that plaintiffs' opposition papers would be due December 20, 2013 and ASIC's reply papers would be due January 9, 2014;

WHEREAS, plaintiffs agreed to the proposed briefing schedule;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED THAT, subject to the Court's approval:

- Plaintiffs shall file and serve their opposition to the motion on or before December 20, 2013;
- ASIC shall file and serve its reply papers on or before January 9, 2014;
- The hearing on the motion shall be on February 6, 2014 at 1:30 p.m.;

Filer's Attestation: Pursuant to L.R. 5-1(i)(3), Peter S. Hecker hereby attests that concurrence by all signatories in the filing of this document has been obtained.

1 Dated: December 4, 2013

/s/ Peter S. Hecker

2 Peter S. Hecker
3 SHEPPARD MULLIN RICHTER & HAMPTON LLP
4 Attorneys for Defendants Assurant Inc. and American
Security Insurance Co.

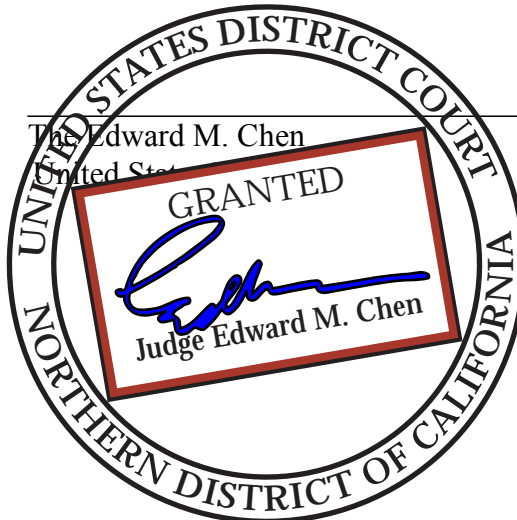
5 Dated: December 4, 2013

/s/ Peter A. Muhic

6 Peter A. Muhic
7 KESSLER TOPAZ MELTZER & CHECK LLP
8 Attorneys for Plaintiffs Patrick Ursomano, Giovanni
9 Canonico and Ursula Canonico

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11 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

12 Dated: December⁵, 2013



DECLARATION OF PETER S. HECKER

I, Peter S. Hecker, declare:

1. I am an attorney duly admitted to practice before this Court. I am a partner with the law firm of Sheppard Mullin Richter & Hampton, LLP, counsel for defendants Assurant, Inc. and American Security Insurance Co. in this case (collectively "ASIC"). I have personal knowledge of the facts set forth below.

2. As set forth in the above stipulation, plaintiffs Patrick Ursomano, Giovanni Canonico and Ursula Canonico (collectively "plaintiffs") have stipulated that plaintiffs shall file and serve their opposition to ASIC's motion to dismiss (the "motion") on or before December 20, 2013; ASIC shall file and serve its reply papers on or before January 9, 2013; and the hearing on the motion shall be on February 6, 2014.

3. The reason for the requested extension is to accommodate the upcoming holidays and the schedules of counsel, and to permit sufficient time to adequately brief the matter.

4. The parties have not previously stipulated to any calendar modifications.

5. Due to the minimal nature of the stipulated extensions, and because the Court-ordered hearing date on the motion will remain unchanged, I believe that the requested extensions will not have any significant impact on the schedule for the case.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this fourth day of December 2013 at San Francisco, California.

/s/ Peter S. Hecker

PETER S. HECKER